

## REMARKS/ARGUMENTS

Responsive to the Office Action mailed October 29, 2004:

### I. NON-PRIOR ART MATTERS

- A. The Office Action objected to the drawings as not having every feature of the invention specified in the claims.

A drawing amendment is enclosed herein. As previously noted, the detents are shown as reference numeral 117 in Fig. 5. Reference numeral 153 has been added to Fig. 3a to show the spring.

- B. The Office Action objected to the specification as failing to provide proper antecedent basis for the claimed terminology.

The specification has been amended at page 9, [0037] to provide proper antecedent basis for "mounting means" and "the retainer comprises one or more detents for retaining the faucet assembly in the folded position."

### II. PRIOR ART MATTERS

- A. The Office Action rejected claims 1-3, 5, 9-14, 16, and 17 under 35 USC 102(b) as being anticipated by Polakoff. Applicant respectfully traverses this rejection.

A single prior art reference anticipates a claimed invention only if it discloses each and every claim element.<sup>1</sup>

Polakoff does not disclose: "a faucet assembly comprising a discharge neck coupled to a faucet housing, the faucet housing movably supported on the basin and selectively rotatable between an upright position wherein at least a portion of the discharge neck protrudes from the basin such that in operation the discharge neck discharges a stream of water receivable in the basin, and a folded position wherein the faucet assembly is received within the basin for storage."

---

<sup>1</sup> *Structural Rubber Prod. Co. v. Park Rubber Co.*, 749 F.2d 707, 223 USPQ 1264 (Fed. Cir. 1984)

As claimed, the "faucet assembly" is the "discharge neck coupled to the faucet housing." Furthermore, the faucet housing must be "movably supported on the basin." In addition, the faucet assembly "must be received within the basin for storage."

As seen in Figs. 4 and 5, the faucet assembly F, H, H' is not supported on the basin d, but above the basin D on the horizontal partition b. As seen in Fig. 6, the faucet assembly F, H, H' is not received within the basin D (part F and most of H remain above the basin).

Claim 1 is therefore allowable.

Claims 1-3 and 5 contain additional elements or limitations beyond allowable claim 1 and are also allowable.

Specifically as to claim 3, it is quite clear that the faucet assembly of Polakoff is not located completely below the plane of the basin's top portion when in a folded position (see Fig. 6).

As to claim 9, Polakoff does not show the faucet housing mounted to the basin, but above the basin as previously discussed.

Claim 9 is therefore allowable.

Claims 10-14, 16 and 17 contain additional elements or limitations beyond allowable claim 9 and are also allowable.

Specifically as to claim 17, it is quite clear that the faucet assembly of Polakoff is not located completely below the plane of the basin's top portion when in a folded position (see Fig. 6).

B. The Office Action objected to claims 4, 15 and 18-20 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The limitations of claim 4 have been incorporated into new claim 21. The limitations of claim 18 have been incorporated into claim 22. The limitations of claim 19 have been incorporated into claim 23.

Applicant thanks the Examiner for indicating the allowable subject matter.

For the above reasons, Applicant respectfully requests the allowance of all claims and the issuance of a Notice of Allowance.

Respectfully submitted,

Dated: 8 Dec 04

By: 

Gerald E. Helget (Reg. No. 30,948)  
Nelson R. Capes (Reg. No. 37,106)  
BRIGGS AND MORGAN, P.A.  
2200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
Telephone: (612) 977-8480